

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY A. CARL,

Plaintiff,

Case No. 1:11-cv-94

v

Hon. Robert J. Jonker

COUNTY OF MUSKEGON, et al,

Defendants.

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**ORDER**

Pending before the court is Plaintiff's Motion for Rule 16 Sanctions and Other Relief (docket no. 140). For the reasons more fully stated on the record at the hearing held on this motion, the motion is **GRANTED** as follows:

- a) Plaintiff may take the deposition of Jail Nurse Yonker, his deposition having twice been cancelled.
- b) Defendant County shall reimburse plaintiff's counsel for his travel time and related costs arising from the cancellation of the deposition of Deputy Port. Notwithstanding that the County's failure to produce the witness was inadvertent, costs were nevertheless incurred and they more properly fall on the County than the plaintiff who was not at fault at all. In the event the parties cannot agree upon the amount, plaintiff shall file within (10) days of this order an affidavit and any supporting papers identifying the costs he seeks. Defendant shall have (10) days thereafter to respond in kind. The court will decide the matter on the papers unless it finds a further hearing is necessary.

c) The court will issue an order to show cause directed to Deputy Wilks pertaining to his apparent failure to appear for his deposition pursuant to a duly authorized subpoena.

**IT IS SO ORDERED.**

Dated: March 26, 2012

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge